

Application No. 10/607,055
Attorney Docket No. 32860-000555/US

REMARKS

Claims 1-15 are all of the pending claims, with claims 1, 8 and 15 being written in independent form. By virtue of this Amendment, Applicant adds new claim 15.

I. Claim Rejections Under 35 USC §112(2nd):

The Examiner rejects claims 1-7, 9 and 10 under 35 USC §112(2nd) for the reasons noted on page 2 of the Office Action. Applicant responds as follows.

With respect to claim 1, Applicant deletes the objectionable term "designed to be." Further, an example embodiment of the "arched and concentric" feature will be appreciated with reference to Fig. 1. Here, a section 21 of the current conductor 4 is arched, and a section 22 of the contact lever 8 is arched. The arched sections 21, 22 are "concentric" because they have the same curvature center 24.

Applicant also amends claim 1 to recite that the radius (or line segment from the curvature center 24 to the arched sections 21, 22) approximately corresponds to a distance "between the respective sections and a pivot bearing of the contact lever." In Fig. 1, the pivot bearing of the contact lever 8 is designated with reference character "9."

Applicant also amends claims 2, 3, 9 and 10 to recite additional structure. Namely, the amended claims recite that the concentric section are "shaped to have a curvature center located on a side of the pivot bearing" For example, as shown in Fig. 1, the curvature center 24 (of the sections 21, 22) is located on a side of the pivot bearing 9, such that torque may cause the contact members 10, 12 to separate.

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Applicant respectfully submits that the amended claims more particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming the raised rejection under 35 USC §112(2nd).

II. Claim Rejections on Prior Art Grounds:

The Examiner rejects claims 1, 2, 7-9, 11 and 13 under 35 USC § 103(a) as being obvious over US Patent Application Publication 2003/0052758 to Raabe et al. ("Raabe") in view of US 6,184,761 to Doma et al. ("Doma"); and claims 3, 6, 10 and 12 under 35 U.S.C. § 103(a) as being obvious over Raabe in view of Doma, and further in view of US 4,849,590 to Becker et al. ("Becker"). Applicant respectfully traverses all of these rejections in view of the following remarks.

A. Independent Claim 1:

Independent claim 1 recites (among other things) that the sections of the current conductor and the contact lever "are arched and concentric with respect to one another." An example, non-limiting embodiment of this feature is depicted in Fig. 1. Here, a section 21 of the current conductor 4 is arched, and a section 22 of the contact lever 8 is arched. The arched sections 21, 22 are concentric because they have the same curvature center 24. At least the "arched and concentric" feature (as recited in independent claim 1), in combination with the other features recited in claim 1, is not taught or suggested by the prior art relied upon by the Examiner.

The Examiner relies upon Raabe to teach all of the features of the present invention, except for the "arched and concentric" sections defined by claim 1. Therefore, the Examiner looks to Doma to allegedly teach this feature. In so doing, the Examiner relies upon a

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modification of Raabe that involves incorporating the contact arrangement taught by Doma.

This rejection position is not convincing for the following reasons.

(i) The Articulated Motivation is in Error:

It is well settled that the Examiner bears the initial burden of factually supporting a *prima facie* case of obviousness. Such factual support includes pointing out the suggestion or motivation, *either in the references themselves or in the knowledge generally available to one of ordinary skill in the art*, to modify/combine the reference teachings.¹ In this case, the Examiner has not carried the initial burden.

Specifically, the Examiner concludes that those skilled in the art would have been motivated to implement the alleged modification “to reduce nuisance tripping.”² This is simply not understood, however, because the Examiner has not provided any explanation as to why/how nuisance tripping would be reduced. Furthermore, Doma does *not* indicate that the disclosed contact arrangement reduces nuisance tripping. If the Examiner disagrees, then he is respectfully requested to cite the portion of Doma (by column and line) that is believed to be pertinent to nuisance tripping.

Turning to the next point, those skilled in the art would not have been motivated to implement the alleged modification because doing so would not achieve any apparent advantage. According to Doma, the advantages of the disclosed contact arrangement (which include providing parts that are smaller, have increased mobility and have reduced costs) are attributable

¹ MPEP 2143.

² Office Action, p. 3, lines 16-18.

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to the moveable contacts 22A, 22B being inclined so that a popping force F tensions the contact arm 60, thereby avoiding a buckling effect that occurs in conventional contact arrangements.³

Importantly, and with reference to Fig. 1 of Raabe, the disclosed moveable contact 315 is inclined (similar to Doma's moveable contacts) so that a popping force would tension the blade 313. Due to this similarity in structure, those skilled in the art would expect Raabe's structure (without any modification) to provide the same advantages disclosed by Doma.

(ii) The Examiner's Reliance upon Doma is Misplaced:

Even if the references were combined in the manner suggested by the Examiner, the alleged modification would not meet each and every feature of the invention defined by claim 1. This is because Doma does not teach the features upon which the Examiner relies to reject the claims.

The Examiner cites Fig. 4 of Doma, and concludes that the contact arm 60 and the line strap 66 are concentric. Applicant acknowledges that these elements 60, 66 include numerous and varied arched sections. However, no section of the contact arm 60 is concentric with (i.e., has the same curvature center as) a section of the line strap 66. If the Examiner disagrees, he is respectfully requested to indicate the specific sections of the contact arm 60 and the line strap 66 that are believed to be concentric.

B. Independent Claim 8:

Independent claim 8 is somewhat similar to claim 1. According to claim 8, the section are "arched and concentric." Accordingly, claim 8 is believed to be patentable for reasons analogous to those noted above with respect to claim 1.

³ Doma, col. 3, lines 62+.

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C. Independent Claim 15:

Independent claim 15 recites that the sections are "arched and parallel." The prior art relied upon by the Examiner is simply not pertinent to this feature for reasons somewhat analogous to those noted above with respect to claim 1.

CONCLUSION

In view of the above, Applicant earnestly solicits reconsideration and allowance of all of the pending claims.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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